

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION

ACE American Insurance Company,  
as subrogee of SW Gaming, LLC,  
d/b/a Harlow's Casino and Resort

PLAINTIFF

VS.

CIVIL ACTION NO.  
4:11-CV-146-WAP-JMV

E. Cornell Malone Corporation d/b/a  
Malone Roofing, LLC; Paul Gerald Foote,  
in his Individual Capacity; Paul Gerald Foote  
d/b/a P. Gerald Foote & Associates; KBA  
Incorporated; and Advanced Roofing Systems

DEFENDANTS

E. Cornell Malone Corporation d/b/a  
Malone Roofing, LLC

THIRD-PARTY PLAINTIFF

VS.

Shaker Construction Group, LLC

THIRD-PARTY DEFENDANT

**STIPULATION OF DISMISSAL WITH PREJUDICE  
AS TO DEFENDANTS PAUL GERALD FOOTE, P. GERALD  
FOOTE & ASSOCIATES AND KBA INCORPORATED**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff ACE American Insurance Company hereby dismisses with prejudice all of its claims against Defendants Paul Gerald Foote, P. Gerald Foote & Associates and KBA Incorporated.

This the 9th day of January, 2013.

s/ David M. Bessho

David M. Bessho

Admitted Pro Hac Vice

Cozen O'Connor

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Stipulated and agreed to by:

s/ William M. Vines

William M. Vines #9902

Page, Kruger & Holland, P.A.

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Jackson, MS 39215

s/ Jay M. Atkins

Jay M. Atkins #100513

H. Case Embry

Leitner, Williams, Dooley &

Napolitan

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the within and foregoing pleading via this Court's electronic filing system upon all parties of record as follows:

Jay M. Atkins  
H. Case Embry  
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Oxford, MS 38655

William M. Vines  
Page, Kruger & Holland, P.A.  
Post Office Box 1163  
Jackson, MS 39215

This 9th day of January, 2013.

s/ David M. Bessho \_\_\_\_\_  
David M. Bessho